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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,346	02/24/2004	Gopinath Ganapathy	35417-8003.US00	3841
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PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			EXAMINER ROBERTSON, DAVID	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 05/08/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,346	<b>Applicant(s)</b> GANAPATHY ET AL.	
	<b>Examiner</b> Dave Robertson	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 10-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This is a Final office action in response to Applicant's reply of 2/19/2008. Claims 1-9 are pending.

#### ***Response to New Matter Objections***

2. Applicant highlights paragraphs [0064-0068] of the specification purporting to disclose aspects of the invention objected to as new matter in the prior office action. However, there are no paragraphs labeled [0064-0068] in the instant specification. Nonetheless, Applicant refers to a passage appearing in paragraph [0031] of the instant specification disclosing substantially the cited material, and this material is found sufficient to overcome the objection to new matter. Accordingly, objection to the amendment and the rejection under 35 USC 112, 1<sup>st</sup> paragraph, over new matter are withdrawn.

#### ***Response to Amendment***

3. Applicant presents claims as previously amended.

#### ***Response to Arguments***

4. Applicant's arguments filed 2/19/2008 have been fully considered but they are not persuasive:

5. Applicant argues Swanke (US Pat. 7,212,987) fails to teach a monitoring engine having the functionality “to produce an updated schedule for designing the end product according to the current state.” (Remarks, page 9).

Examiner respectfully disagrees:

Swanke teaches a monitoring engine (Figure 2 and column 2 from line 60: the “Pervasive Proactive Project Planner”). Swanke is a product design tool disclosing functionality of its “PPPP” component as including monitoring for changes in schedule in a real time manner (column 6 from line 50) and as “an automatic meeting scheduler [which] automatically schedules a meeting when the project has fallen behind by a certain amount” (see column 4 from line 50). Automatically producing a schedule for designers to meet based on real time changes to the schedule is *producing an updated schedule for designing the end product according to the current state*.

6. Accordingly, the grounds of rejection over all claims as in the prior office action are maintained.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Swanke et al (US Pat. 7,212,987).

Swanke discloses automated methods for coordinating design project tasks and resources, distributed human resources and design software tools, and automatically monitoring and notifying managers of the project plan task and project completion status.

Specifically, with respect to the claims of the present invention:

Claim 1

Swanke teaches a computer network system for facilitating the design of an end product (Figures 1, 2 and 5; Abstract and column 2 from line 60) including a first software tool including one or more designs for the end product, the designs encoded in one or more electronic formats (see Figure 1 and column 3 from line 5, describing design software applications including timing control, test generation, and simulation linking software to data, the design database Figure 2—125, an electronic format); a second software tool including enterprise resource planning software, including one or more fields indicating actual costs incurred in product design (see Figure 2; column 1

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from line 63, an aspect of “coordinating resources to complete a design project”; and column 3 from line 44, planning and polling software tracking time of workers and expense of projects, all functions characteristics of ERP); a third software tool supporting project planning for the end product, wherein the tool models a schedule (see Figures 2 and column 1 from line 60: project planning includes defining dates for interdependent tasks and monitoring a project plan for missed dates); changing the schedule (column 2 at line 33) in response to real-time monitoring); and a monitoring engine (Figure 2 and column 2 from line 60: the “Pervasive Proactive Project Planner”).

#### Claims 2 and 3

Swanke teaches design software tools including standard computer-aided design tools (column 3 from line 5: “Modern conventional (i.e. standard) software applications...such as timing control, test generation, and simulation). Timing control” is a hardware design tool for an end product, which includes computer hardware. Swanke explicitly teaches design methodologies including custom or application specific integrated circuits (column 1 line 39).

#### Claims 7-9

Swanke teaches monitoring progress of the design of an end product towards completion (see column 2 from line 7) including using a metric (time and expense) comparing actual progress against planned progress (column 3 from line 26: “Daily status report” from monitoring current status to expected completion date).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanke et al (US Pat. 7,212,987) in view of Ernst (US Pat. 6,591,278; formerly cited).

Claims 4-6

Swanke teaches design software tools including standard computer-aided design tools (column 3 from line 5: "Modern conventional (i.e. standard) software applications...such as timing control, test generation, and simulation); however, Swanke does not expressly teach that electronic design formats include a *hardware design language (claim 4)*; or that the hardware design language includes VERILOG (claim 5); or that the end product is a software product (claim 6).

It is old and well known that hardware design languages enable designers using automated design tools to create, manipulate, store, and share product designs as an aid to efficiently generating complex product designs encoded in electronic formats. For example, Perrin ("Web-based Circuit Engineering", 1999, an article provided in the citations of 8/12/2006) describes several such tools for electronic product design. Hyde ("CSCI 320 Computer Architecture Handbook on VERILOG HDL," 1997, also previously cited) describes the hardware description language VERILOG, an electronic design format for VLSI chip design (see Hyde, page 4); Hyde describes an implementation of

VERILOG, a *standard hardware design language implemented as an electronic format* for the programmatic description of a VLSI design to be executed and tested by a simulation design tool.

Ernst expressly motivates the use of automated design tools for managing the increasing complexity of end product technologies including hardware, software, and mechanical products, using the design software tools to replace purely manual (see Ernst column 1 from line 12: teaching the use of design tools for increasingly complex products and development team structure).

It would have been obvious to one of ordinary skill at the time of invention to employ in Swanke any one or several of the many automated tools for the design of hardware or software end products, and in the process employ a hardware design language, such as VERILOG, as together these would have provided the designer an aid to efficiently creating, manipulating, storing, and sharing complex product designs, using automated means to better manage both the complexity of the product and the complexity of increasingly distributed, concurrent, and/or outsourced product design teams.



11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 8:45am to 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/  
Examiner, Art Unit 3623

/Beth Van Doren/  
Primary Examiner, Art Unit 3623